

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BETITIA BARNES,

Plaintiff,

- against -

ORDER

FEDERAL EXPRESS CORP.,

CV 2007-0204 (RRM)(MDG)

Defendant.

- - - - -X

By letter dated April 4, 2008, Daryll Boyd Jones, Esq., counsel of record for plaintiff Betitia Barnes, requests leave to withdraw as counsel because his client no longer wishes to have him work on the case. In an electronic order filed on April 4, 2008, this Court directed Mr. Jones to file proof that he had sent a copy of his letter to his client and to provide written confirmation from his client that she wishes to obtain new counsel. In a letter dated April 4, 2008, Mr. Jones provided an affidavit of service and attached two e-mail chains involving communications with Ms. Barnes which he claims reflects his client's "desire to seek new counsel in this case."

Since Mr. Jones does not indicate that he sent a copy of his more recent letter to Ms. Barnes, this Court will send a copy along with this Order to plaintiff. Although Ms. Barnes has stated in her e-mail that she wishes to find new counsel, this Court is uncertain whether she decided to do so on her own volition or because Mr. Jones prompted her to do so. Before this

Court acts on the request of Mr. Jones to withdraw, Ms. Barnes will be given an opportunity to object to his application to withdraw. If she does not submit an objection by April 30, 2008, this Court will grant the application and give Ms. Barnes time until May 31, 2008 to obtain new counsel.

However, Ms. Barnes is advised that Mr. Jones was the subject of disciplinary proceedings in New York. Although the Appellate Division for the Second Department, Supreme Court of the State of New York entered an order on February 1, 2008 disbarring Mr. Jones from the practice of law, this Court was advised that the order of disbarment was stayed pending an application for reconsideration. This Court does not have further information regarding the application at this time.

If Ms. Barnes does not wish to have Mr. Jones represent her, she is advised that she should promptly communicate with Mr. Jones to arrange to pick up her files and advise this Court in writing.

**SO ORDERED.**

Dated: Brooklyn, New York  
April 14, 2008

/s/\_\_\_\_\_  
MARILYN D. GO  
UNITED STATES MAGISTRATE JUDGE  
225 Cadman Plaza East  
Brooklyn, NY 11201  
718-613-2550

cc: (by mail)  
Betitia Barnes  
5307 Avenue L  
Brooklyn, NY 11234

